

**To:** Daly, Carl[Daly.Carl@epa.gov]  
**Cc:** Cantor, Howard[cantor.howard@epa.gov]; McGrath, Shaun[McGrath.Shaun@epa.gov]; Fells, Sandy[Fells.Sandy@epa.gov]; Lewis, Josh[Lewis.Josh@epa.gov]  
**From:** Trulove-Cranor, Whitney  
**Sent:** Fri 1/10/2014 8:35:15 PM  
**Subject:** question from Senator Tom Harkin's staff (Iowa)

Carl - I think Senator Harkin's office was included in our notification because of his role on a subcommittee (not sure which one). Can you send me a response and I will forward to Eldon. Thanks.

Whitney

303-312-6099

**From:** Boes, Eldon (Harkin) [mailto:Eldon\_Boes@harkin.senate.gov]  
**Sent:** Friday, January 10, 2014 12:48 PM  
**To:** Trulove-Cranor, Whitney  
**Subject:** RE: Notification to ND and SD Congressional Staff and Committee Chairs re: EPA Action on Wyoming Regional Haze

Whitney, I am interested in what will be required of Basin Electric's Laramie units 1, 2, and 3. All I see below is an indication that EPA is specifying their requirements.

Thank you,

*Eldon Boes*

*Senior Professional Staff*

*Senator Tom Harkin*

*202-224-3254*

*703-217-1850 cell*

**From:** Trulove-Cranor, Whitney [<mailto:Trulove-Cranor.Whitney@epa.gov>]

**Sent:** Friday, January 10, 2014 2:22 PM

**To:** Sutton, Tracee (Heitkamp); Forsythe, Liam (Heitkamp); Nagle, Ryan (Heitkamp); Bernstein, Ryan (Hoeven); Bladow, Cassie (Hoeven); [Don.larson@mail.house.gov](mailto:Don.larson@mail.house.gov); DiLuccia, Janelle (Johnson); Boysen, Sharon (Johnson); Tjeerdsma, Lynn (Thune); Plack, Brendon (Thune); Nelson, Ryan (Thune); [Renee.munasifi@mail.house.gov](mailto:Renee.munasifi@mail.house.gov); [Marybeth.hollatz@mail.house.gov](mailto:Marybeth.hollatz@mail.house.gov); [Rebekah.Solem@mail.house.gov](mailto:Rebekah.Solem@mail.house.gov); Boes, Eldon (Harkin); [malisah.small@mail.house.gov](mailto:malisah.small@mail.house.gov)

**Cc:** Cantor, Howard; McGrath, Shaun; Daly, Carl; Fells, Sandy; Trulove-Cranor, Whitney; Lewis, Josh; Smith, Paula

**Subject:** Notification to ND and SD Congressional Staff and Committee Chairs re: EPA Action on Wyoming Regional Haze

Hello – Knowing of your interest in EPA’s action on Wyoming’s plan to address regional haze, I am sending this update (below) on behalf of Sandy Fells, EPA Region 8 Congressional Liaison. If you have any immediate questions, please let me know. Otherwise, additional information will be posted on the Region 8 website by COB Monday 1/13/14 at <http://www2.epa.gov/region8/air-program> and I would be happy to set up a briefing for you at a future date if you wish.

Sincerely,

Whitney Trulove-Cranor

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Whitney Trulove-Cranor

Communications Coordinator

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On January 10, 2014, EPA Administrator Gina McCarthy signed a final action on a regional haze plan that will improve visibility, and protect natural resources and recreation-based economies, in some of the nation's most treasured national parks and wilderness areas. This action will also reduce emissions of harmful nitrogen oxides associated with asthma, bronchitis, and other respiratory illnesses from Wyoming power plants by an estimated 65,000 tons per year.

In 1999, in response to concerns expressed by the governors of Western states, federal land management agencies, and the public, Congress directed EPA to issue a regional haze rule to improve air quality in national parks and wilderness areas. As it has done with states across the country, EPA has worked with Wyoming to secure a plan that relies on proven, cost-effective technologies to cut harmful pollution that reduces visibility.

EPA is approving the majority of Wyoming's regional haze plan, including the State's control technology determinations to reduce harmful emissions of nitrogen oxides at 10 of the 15 power plant units included in the plan. EPA is finalizing a federal plan to replace portions of the State's plan that do not meet the requirements of the Clean Air Act at five power plant units as well as certain other aspects of the State's plan.

EPA maintained a strong commitment to collecting and evaluating public comments -- including information on costs, visibility benefits, and control technologies -- before issuing this final action. This past summer, EPA held an extensive public comment period and held three public hearings on a proposal to act on the State's regional haze plan.

EPA spent a lot of time and resources considering the large number of comments submitted to us during the comment period for our June 10, 2013 re-proposal. We received extensive comments from the state, local officials, the regulated industry, environmental groups, federal agencies and the public. We received many comments supporting and opposing our proposed action. Our consideration of these comments and updated information led EPA to concur with the State's control technology determinations at an additional five power plant units and in other instances we determined more stringent control was warranted. EPA's final action agrees with the State's control technology determinations at 10 of the 15 power plant units included in the plan. EPA's control technology determinations at the five remaining units will ensure additional emission reductions and consistency with the requirements of the Clean Air Act.

For more information and obtain a copy of EPA's final rule, visit EPA Region 8's website at <http://www2.epa.gov/region8/air-program>

### **Major Aspects of EPA's Final Action:**

EPA's regional haze rule requires the states, in coordination with EPA, federal land managers, and other interested parties, to develop and implement air quality protection plans to reduce the pollution that causes visibility impairment.

Consistent with this rule, EPA is acting on Wyoming's regional haze plan and is approving the State's Best Available Retrofit Technology (BART) determinations to reduce nitrogen oxide emissions at 10 of the 15 electric generating units covered in the plan. EPA is approving Wyoming's plan for nitrogen oxide control at PacifiCorp's Jim Bridger power plant, Naughton power plant, and Dave Johnston power plant for Units 1, 2, and 4.

EPA is disapproving the State's BART determinations for PacifiCorp's Wyodak power plant, Unit 3 at the Dave Johnston power plant, and Basin Electric's Laramie River power plant (Units 1, 2, and 3); and is putting a federal plan in place to require additional controls at these facilities.

EPA's action does not require any power plants to cease operating. PacifiCorp did request that EPA's plan allow them the option of either shutting down Dave Johnston Unit 3 by 2027 or installing selective catalytic reduction (SCR) pollution control technology and EPA agreed with that request.

EPA's final action is responsive to comments received from numerous interested parties, including the State and utilities, and amends EPA's proposal to require Selective Catalytic Reduction control technologies at two power generating units: Naughton 1 and 2. EPA's evaluation of comments also led to the reduction of control technology requirements at Dave Johnston Units 1, 2, and 4. EPA's evaluation of comments and updated information also led to a determination to require increased controls, specifically Selective Catalytic Reduction technology, at the Wyodak power plant.

EPA's action is based on a thorough analysis of available technologies, costs, and improvements to air quality and is consistent with actions EPA and other states are taking to address regional haze and secure compliance with the Clean Air Act. The pollution from these plants impacts visibility and public health in Wyoming and neighboring states and will be significantly reduced by widely used and cost-effective control technologies.

EPA is also approving the State's plan for reducing nitrogen oxide emissions from non-power plant facilities subject to regional haze requirements and the State's plan for control of particulate matter. EPA fully approved the State's plan to reduce sulfur dioxide emissions last year.

### **Regional Haze Background:**

The Clean Act (CAA) (section 169A) establishes as a national goal the "prevention of any future, and the remedying of any existing, impairment of visibility in mandatory Class I Federal areas," i.e., our national parks and wilderness areas. To address this goal, Congress required EPA to adopt rules and required states to adopt revisions to their state implementation plans or "SIPs." The CAA requires, as part of the SIPs, that certain large sources of pollution install Best Available Retrofit Technology or "BART," which is to be determined considering five factors, including cost and visibility improvement. In addition, the CAA requires the SIPs to include measures to provide for reasonable progress toward the national goal.

In 1999, EPA issued rules to address regional haze, a particular type of visibility impairment in our national parks and wilderness areas that can arise from a variety of sources across broad geographic areas. These rules required all 50 states to submit SIP revisions to address regional haze by December 17, 2007. Among other things, these rules specified requirements related to BART and reasonable progress. Wyoming and numerous other states did not meet the December 2007 deadline. On January 15, 2009, EPA found that 37 states, including Wyoming, had failed to submit SIPs addressing the regional haze requirements.<sup>74</sup> FR 2392. Once EPA has found that a state has failed to make a required submission, EPA is required to promulgate a FIP within two years unless the state submits a SIP and the Agency approves it within the two-year period. CAA §110(c)(1).

A state must submit its SIP revisions to EPA for approval. If EPA finds that a state has failed to

make a required SIP submittal or if EPA disapproves a state's required submittal, then EPA must promulgate a FIP within two years to fill the regulatory gap.

- Because EPA did not issue FIPs within two years, it was sued and is now under a court order to take final action on the Wyoming's SIP by January 10, 2014.

- Wyoming submitted a regional haze SIP on January 12, 2011 that addresses the requirements under 40 CRR 51.309(g) relating to the BART requirements for particulate matter (PM) and nitrogen oxides (NO<sub>x</sub>), reasonable progress, and additional Class I areas. Our final action addresses this SIP.